IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 96 OF 2006

MR. MANOHAR TUKARAM SHIRODKAR AND ANR., ...Appellants

Versus

MR. MANUEL RODRIGUES(DEC.) THROUGH HIS LEGAL HEIRS ....Respondents

Mr. V. R. Tamba, Advocate for the appellants.

Mr. S. D. Lotlikar, Senior Advocate with Ms Sapna Mordekar, Advocate for the respondents.

Coram:- S.A.BOBDE, J.

Date:- 16th March, 2007

P.C.

This second appeal is preferred against the concurrent findings of the two Courts below that the plaintiff is owner of the suit property and is, therefore, entitled to an injunction restraining the defendants from interfering with the possession of that property.

2. Mr. Tamba, learned Counsel for the appellants submitted that the defendants had raised an effective defence by producing a Sale Deed dated 12.1.1948 along with a Rectification Deed dated 15.5.1961 to show that their vendors had purchased the suit property. However, it appears that this case has not favoured with the Courts below on the ground that the appellants have not been able to identify the suit property and corelated to the deeds in question.

3. Mr. Tamba, learned Counsel for the appellants next submitted that the appellate Court has agreed with the finding of the trial Court, but has made an order contrary to the findings of the trial Court and decreed

the suit. A reading of the Judgment of the trial Court, however, discloses that substantially this is not so. The appellate Court has rendered a clear finding that the respondent-plaintiff is the owner in possession of the suit property and has, therefore, granted an injunction. It was lastly urged by the learned Counsel for the appellants that the points for determination have not been properly framed by the appellate Court and that the cross objection has not been considered. None of the submissions on behalf of the appellants raises a substantial question of law which requires consideration in this second appeal. There is no merit in the second appeal which is, hereby, dismissed.

S.A.BOBDE, J.

ssm.